

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

John Wesley Noffz,	)	Civil Action No.: 8:16-208-MGL
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
	)	
Austin Maintenance & Construction, Inc.,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff John Wesley Noffz, (“Plaintiff”), brought this employment action alleging interference and retaliation in violation of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. §2601, *et seq.* In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., the matter was referred to United States Magistrate Judge Kevin F. McDonald for all pretrial handling. On July 25, 2016, following briefing by the parties, the Magistrate Judge prepared and submitted a thorough Report and Recommendation, (The Report), (ECF No. 15), recommending that Defendant’s Motion to Dismiss and to Compel Arbitration, (ECF No. 8), be granted. Objections to the Report were due by August 11, 2016. Plaintiff did not file any objections to the Report, and the matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28

U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 15), and finding no clear error in the Report, the Court adopts and incorporates it by reference. Accordingly, Defendant’s Motion to Dismiss and to Compel Arbitration, (ECF No. 8), is **GRANTED**, although Defendant’s request for attorney’s fees and costs is **DENIED**. This matter is hereby dismissed to arbitration.

**IT IS SO ORDERED.**

s/Mary G. Lewis  
United States District Judge

August 15, 2016  
Columbia, South Carolina